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## HIGHER EDUCATION DEPARTMENT

### NOTIFICATION

The 6th November, 2024

**S.R.O. No.579/2024** — The following draft of certain rules which the State Government propose to make in exercise of the powers conferred by Section 27 of the Odisha Education Act, 1969 (Odisha Act, 15 of 1969), and in supersession of the Odisha Non-Government Aided College Ministerial Service (Method of Recruitment and Conditions of Service) Rules, 1999, or any orders, instruction, rules and regulations issued in this regard except as respects things done or omitted to be done before such supersession, is hereby published as required under sub-section (1) of the said Section for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of 30 (thirty) days from the date of publication of this notification in the *Odisha Gazette*.

Any objection or suggestion which may be received from any person in respect of said draft on or before expiry of the period so specified above will be taken into consideration by the State Government.

### PART-1 GENERAL

**1. Short title and commencement-** (1) These rules may be called the Odisha Non-Government Aided College Ministerial Service (Method of Recruitment and Conditions of Service) Rules, 2024.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

(3) These rules shall apply to all Ministerial employees such as Junior Clerks, Senior Clerks & Head Clerks working in Non-Government Colleges of the State.

**2.Definition:-** (1) In these rules, unless the context otherwise requires;

- (a)“**Appointing Authority**” means the Governing Body of the concerned College;
- (b)“**Board**” means the State Selection Board for the State constituted under sub-section (2) of Section 10 of the Odisha Education Act, 1969;
- (c)“**College**” means Non-Government-Aided Colleges having +3 Courses and Post Graduate Courses which were notified as Aided Educational Institutions for receiving Grant-in-Aid prior to notification of Odisha Education (Amendment) Act, 1994 ( Odisha Act 13 of 1994) and in accordance with Grant-in-Aid Order 1994 under the control of the Higher Education Department;
- (d)“**Committee**” Means the Departmental Promotion Committee constituted under sub-rule (1) of rule- 11;
- (e)**Departmental Examination**” means the preliminary and final Accounts Examination conducted by the Board of Revenue, Odisha, Cuttack or Madhusudan Das Regional Academy of Financial Management (MDRAFM), Bhubaneswar or any other organization decided by the Government from time to time;
- (f)“**Director**” means the Director, Higher Education or any other officer authorized in this regard by the Government by a general or special order, to perform all or any of the functions and exercise all or any of the powers on behalf of the Director under this rule;
- (g)“**Ex-servicemen**” means a person as defined in clause (b) of rule 2 of the Odisha Ex-servicemen.(Recruitment to State Civil Service and Posts) Rules,1985;
- (h)“**Government**” means the Government of Odisha;
- (i)“**Persons with Disabilities**” means persons who have been granted with disability certificate by Competent Authority as per the provisions of the Rights of Persons with Disabilities act, 2016;
- (j)“**Scheduled Castes and Scheduled Tribes**” shall have reference to the Scheduled Castes and Scheduled Tribes specified in the Constitution (Scheduled Caste) Order,1950 and the Constitution (Scheduled Tribe) Order,1950, as the case may be, made under Article 341 and 342 of the Constitution of India respectively;
- (k)“**SEBC**” means the Socially and Educationally Backward Classes of citizens as defined in clause (a) Section 2 of the Odisha State Commission for Backward Classes Act,1993;
- (l)“**Sportspersons**” means persons who have been issued with identity card as Sportspersons by the Secretary or Director of Sports as per Resolution No.24808/

gen. dated 18th November 1985 of General Administration Department as amended from time to time;

(m)“**State**” means the State of Odisha; and

(n)“**Year**” means the Calendar Year.

(2)All other words and expressions used in these rules but not specifically defined shall, unless the context otherwise requires, have the same meaning, as are respectively assigned to them in the Act or Odisha Service Code.

**3.Constitution of Service or Cadre:-** (1) The Service shall consist of Junior Clerks, Senior Clerks & Head Clerks of the Non-Government Aided Colleges of the District as defined in clause (c) of sub-rule (1) of rule 2.

(2) All Ministerial employees such as Junior Clerk, Senior Clerk and Head Clerk of all Non-Government Aided Colleges situated within the Revenue District shall form a separate cadre.

## **PART-II**

### **METHODS OF RECRUITMENT**

**4.Methods of recruitment-**Subject to the provisions made in these rules, recruitment to the posts in the service shall be made by the following methods; namely :-

(1)Recruitment to the posts of Junior Clerk shall be made by way of direct recruitment through competitive examination;

(2)Appointment to the post of Senior Clerk shall be made by way of promotion from among the post of Junior Clerk; and

(3)Appointment to the post of Head Clerk shall be made by way of promotion from among the post of Senior Clerk.

**5.Reservation-** Notwithstanding anything contained in these rules, reservation of vacancies or posts, as the case may be, for candidates belonging to;

(a)Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions of the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made there under; and

(b)SEBC, Women, Sportspersons, Ex-servicemen and Persons with Disabilities shall be made in accordance with the provisions made under such Acts, rules, orders or instructions issued in this behalf by the Government from time to time.

### PART-III

#### DIRECT RECRUITMENT

**6. Recruitment Procedure-** (1) Recruitment to the post of Junior Clerks in the service shall be made by way of competitive examination to be held once or more in a year as per requirement;

(2) The competitive examination for the post of Junior Clerks shall be conducted by the Board and the date on which and the places at which the examination are to be held shall be decided by the Board.

(3) The standard, syllabus and subjects of examination shall be as decided by the Board in consultation with the Department of Higher Education.

(4) The Principals of all the Non-Government-Aided Colleges, every year in the month of January shall intimate the Director, the number of vacancies for the respective Colleges.

(5) The Director on receipt of the intimation of actual number of vacancies of Junior Clerk at the Colleges shall intimate the Board the number of vacancies in order to conduct the recruitment examination.

(6) On receipt of the requisite information, the Board shall issue advertisement for recruitment for the post of Junior Clerk inviting applications in at least two daily leading newspapers as well as in their website for wide circulation.

(7) The application forms, the manner of submission of application, the documents required to be submitted with the application form, fee required and scrutiny of applications shall be such as may be decided by the Board.

(8) The Board shall prepare the select list from among the qualified candidates and shall submit the said list to the Director against the number of vacancies notified,

**7. Eligibility Criteria for Direct Recruitment** - Subject to other provision of these rules, in order to be eligible for direct recruitment a candidate must, -

(a) be a citizen of India;

(b) have attained the age of 21 years and must not be above the age of 32 years on the first day of the year in which advertisement for recruitment is published:

Provided that the upper age limit in respect of reserved categories of candidates referred to in rule-5 shall be relaxed in accordance with the provisions of the Acts, rules, orders or instructions, for the time being in force, for their respective categories;

(c) be able to read, write and speak Odia and must have-

(i) Passed Middle School Examination with Odia as a language subject; or

- (ii) Passed Matriculation or equivalent examination with Odia as medium of examination in non-language subject; or
  - (iii) Passed in Odia as language subject in the final examination of class VII from a school or educational institution recognized by the Government of Odisha or the Central Government or
  - (iv) Passed at least in Odia in Middle English School Standard conducted by the School and Mass Education Department.
- (d) must not have more than one spouse living:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person or there are other grounds for doing so, exempt any person from the operation of this rule;

- (e) have passed +3 in Arts or Science or Commerce or such other qualification as are equivalent to +3 examinations with basic skill and knowledge in computer and Information Technology applications; and
- (6) be of good mental condition and bodily health and free from any physical defect likely to interfere with the discharge of his duties in the service. A candidate, who after such medical examination as the Government may prescribe, is not found to satisfy these requirements shall not be appointed to the service.

**8. Select List-** (1) The list of candidates recommended by the Board for appointment as Junior Clerk shall not more than the number of vacancies advertised by the Board and shall after being approved by the Director, form the select list.

(2) The list referred to under sub-rule (1) shall ordinary be in force for a period of one year from the date of its approval by the Director or until another select list is prepared afresh, whichever is earlier.

(3) Appointment to the post in the service shall be in order in which their name appear in the select list.

**9. Allotment of Candidates-** (1) The Board shall forward the list of candidates, i.e. the common merit list and category-wise merit list drawn in order of merit to the Director as per the vacancy position intimated to the Board under sub-rule (4) of rule 6.

(2) After receipt of the select list, the Director shall allot such candidates in respect of the Non-Government Aided Colleges as defined under clause (b) of sub-rule (1) of rule 2 in order of merit and as per the vacancy position intimated by the Principals. Formal appointment orders to the appointee shall be issued to the allotted candidates by the Principals of the concerned Colleges.

**PART-IV**  
**PROMOTION TO THE GRADE OF SENIOR CLERK AND**  
**HEAD CLERK**

10. **Promotion:-**(1) Promotion to the posts of Senior Clerks shall be made from amongst the Junior Clerks who have, -

- a. rendered at least four years of continuous service as such; and
- b. passed the preliminary accounts examination.

(2) Promotion to the post of Head Clerk shall be made from amongst the Senior Clerks who have-

- (a) rendered at least four years of service as Senior Clerk; and
- (b) passed the final accounts examination.

**11. Departmental Promotion Committee-**(1) There shall be constituted a Departmental Promotion Committee to consider the suitability of eligible candidates for promotion to the post of Senior Clerk and Head Clerk, consisting of the following members, namely:-

- (a) Director, Higher Education : Chairman
- (b) Two Principals of Non-Government Aided Colleges to be nominated by the Director of Higher Education : Member
- (c) Representative of SC & ST Development, Minorities & Backward Classes Welfare Department : Member
- (d) Deputy Director (Non-Government Aided Colleges Branch) of the Department of Higher Education : Member Convener

(2) The Committee shall meet at least once a year to decide the cases of promotion to various posts in Ministerial Cadre on the basis of merit and suitability in all respects with due regard to seniority:

Provided that the Committee at the time of consideration of the case for promotion shall follow,-

- a. The Odisha Reservation of Vacancies in posts and services for Scheduled Castes and Scheduled Tribes Act, 1975 and the Rules framed there under.
- b. The Odisha Civil Services (Zone of Consideration for Promotion) Rules, 1988.
- c. The Odisha Civil Services (Criteria for Promotion) Rules, 1992;
- d. The Odisha Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003; and

e. The Odisha Rights of Persons with Disabilities Rules, 2018.

(3) The Director shall issue orders appointing in promotional posts strictly in accordance with the merit list recommended by the Committee against the vacancies available in the cadre in any Non Government Aided Colleges.

**12. *Inter se-seniority***- The *inter se-seniority* of the persons appointed to any post in the service in a particular year shall be in the order in which their names appear in the select list.

## **PART-V**

### **OTHER CONDITIONS OF SERVICE**

**13. Probation and Confirmation**- (1) Every person appointed to any grade or post in the service by direct recruitment shall be on probation for a period of two years from the date of joining the post :

Provided that the appointing authority may, if think fit, in any case or class of cases for good & sufficient reasons to be recorded in writing, extend the period of probation for another year:

Provided further that such period of probation shall not include, -

- (a) Extraordinary leave;
- (b) period of unauthorized absence; or
- (c) any other period held to be not being on actual duty

(2) The appointment of a probationer may, for good and sufficient reasons to be recorded in writing, be terminated by the Governing Body at any time without previous notice during the period of probation including extension of such period, if any.

(3) A probationer after completing the period of probation to the satisfaction of Governing Body shall be eligible for confirmation subject to the availability of substantive vacancy in the service.

**14. Other conditions of service**- The conditions of service in regard to the matters not covered by these rules shall be the same as are, or as may from time to time be prescribed by the State Government.

## **PART-VI**

### **MISCELLANEOUS**

**15. Relaxation**-When it is considered by the Government that it is necessary or expedient to do so in the public interest, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of the employees.

**16.Interpretation-** If any question arises relating to the interpretation of these rules, it shall be referred to Government whose decision thereon shall be final.

**17.Transfer-**The Director Higher Education shall have the power to transfer the Junior Clerk, Senior Clerk & Head Clerk from one Non-Government College to another within the District as and when deemed necessary.

**18.Power to Issue Instructions-**The Government may also issue instructions not inconsistent with the provisions of these rules, as they may consider necessary to regulate the matters not specifically covered by the provisions of these rules.

[No.44221—HE-NCENT-A-MISC-0109/2023/HE.]

By Order of the Governor

ARAVIND AGRAWAL

Commissioner-*cum*-Secretary to Government